

REMARKS

In the First Office Action, dated May 21, 2007, Claims 1-28 were once again rejected. Claims 1-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 6,260,049), in view of Pinsky et al. (U.S. Patent No. 5,513,101), and further in view of Schulz (U.S. Patent No. 5,818,901). Applicant respectfully traverses this rejection with respect to Claims 1-28, as amended, in view of the following arguments.

As you are aware, this application has been in active prosecution for several years having first been filed on November 30, 2000. The two primary references relied on in the above-referenced First Office Action, Fitzgerald and Pinsky, have been thoroughly addressed by the Applicant and the Applicant was under the impression that such references were avoided, whether standing alone or in combination, as not disclosing the critical features of the Applicant's invention. Applicant respectfully suggests that the summary of the December 14, 2005 conference call (relating to the Final Office Action, dated October 18, 2005) and the August 15, 2006 conference call (relating to the First Office Action following the first Request for Continued Examination, dated June 1, 2006) included in the Applicant's "Response to First Office Action after Request for Continued Examination and Interview Summary", filed August 24, 2006 (the "Prior Response"), and the other arguments included therein are on point. As you may recall, such conference calls were conducted among you, me, certain representatives of the Applicant and Mr. Joseph Thomas, as the supervising examiner.

As discussed in further detail in the Prior Response, Applicant suggests that Fitzgerald does not teach or disclose the elements of the Applicant's invention because Fitzgerald uses a folder interface that requires the "scanning" of the patient's original manual master folder contents. As further shown in Figure 42 of Fitzgerald, a scanner is used to physically "scan

pages of documents” from the patient’s manual master folder to create a record for the patient on the computer system.

In contrast, the present invention generates a digital graphical representation of the patient’s manual master folder electronically using a software application. No scanning is performed. Another critical distinction of the present invention over Fitzgerald added by more recent amendments is that the present invention provides for the viewing of current radiological images relating to a patient to render real-time diagnosis of the images by the viewing radiologist. By definition, any radiology images which are scanned using the system disclosed in Fitzgerald are only going to relate to historical radiological images. Thus, the features of the present invention permitting the viewing of current images directly on a real-time basis as such images are created through the applicable radiology procedure as such procedure is performed on the patient are not disclosed or suggested by Fitzgerald.

More specifically, the “master folder” element of the present invention permits the radiologist user to view such images on a real-time basis from the current radiology procedure while making a diagnosis. (See Abstract, ll. 7-10). By double clicking on various hyperlinks, the radiologist is able to view such actual radiology images on a real-time basis as such images are generated by a current radiology procedure directly as such procedure is being performed. (See Specification, Paragraph 0030; FIGS. 4 and 5). The radiologist may enter a diagnosis based on such current images to make an instantaneous diagnosis in text form in a report display area. (See Specification, Paragraph 0028). Thus, the present invention is distinguishable from the method and system disclosed in Fitzgerald, whether alone or in combination with Pinsky.

Also, Applicant suggests that Schultz is not relevant. Schultz discloses a medical diagnostic installation that is capable of simultaneously producing MR exposures and X-Ray

exposures. (See Co. 1; ll. 30-32). The critical point of the present invention is to permit the viewing of current images over an electronic “master folder” interface, irrespective of how such images are created.

Claims 1, 15, 16 and 17 have been further amended to further define the present invention, and such amendments are supported by the specification and the original claims.

Accordingly, applicant respectfully submits that Claims 1-28, as amended, are patentable over Fitzgerald, Pinsky and Schultz either alone or in combination and the rejections under 35 U.S.C. §103(a) should be withdrawn.

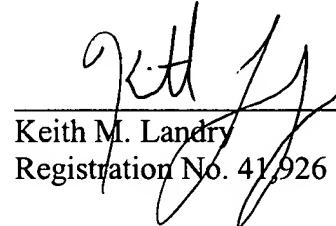
CONCLUSION

Favorable action and allowance of the application as now presented is respectfully requested.

Respectfully submitted,

JONES, WALKER, WAECHTER,
POITEVENT, CARRÈRE & DENÈGRE,
L.L.P.

By:


Keith M. Landry
Registration No. 41,926

Dated: August 14, 2007
201 St. Charles Avenue
New Orleans, Louisiana 70170-5100
(504) 582-8702